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SUBJECT: DAILY SUMMARY OF JAPANESE PRESS 10/17/07

Index:

- (1) Diet debate (Asahi)
- (2) Lower House dissolution looming over refueling debate (Asahi)
- (3) Former Burmese diplomat who resigned over crackdown: Military regime aims to bring about terror and division into embassy; Japan thinks too much in making response (Asahi)
- (4) Does Prime Minister Fukuda have a secret strategy for North Korea policy? Fukuda's line may be extremely risky (Sankei)
- (5) Global warming preventive measures: Each sector has its own way (Asahi)
- (6) FTC's outlined amendments to Antimonopoly Law calls for broadened scope of acts subject to fines (Mainichi)
- (7) Seiron Column: Antiterror law; MSDF refueling operations constitutional international contribution; DPJ head Ozawa's argument for abandoning sovereign power is weird (Sankei)
- (8) Open letter to Mr. Kiwataka Kawabata on how to view the SDF's refueling operations at sea: Now is the time to establish principles for international security (Sekai)

ARTICLES:

- (1) Diet debate

The following is a gist of questions and answers in a meeting yesterday of the House of Councillors Budget Committee.

Refueling issue

Natsuo Yamaguchi (New Komeito): The Antiterrorism Special Measures Law, which is currently in effect, was set for two years when the law was first enacted (in 2001). There was a change from the initial period of two years to one year (when the law was revised in 2005 and 2006). Did this change cause any unexpected trouble to the international community?

Chief Cabinet Secretary Machimura: We have changed the law's period to one year so we can respond to situational changes in an adequate manner. Speaking from our experience in the past, and whether it was for two years or one year, there was nothing inconvenient-not only from the perspective of (the Maritime Self-Defense Force's fueling) operations (in the Indian Ocean) but also from the perspective of (Japan's) foreign policy. That's our judgment.

Yamaguchi: If we are to extend (the MSDF's refueling mission in the Indian Ocean), the question is how the Diet will check it. That matters a lot. It looks like the new legislation will not require the government to ask the Diet for approval. However, I think even stronger civilian control will work with the Diet's annual check.

Prime Minister Fukuda: There were suggestions from that perspective in the ruling parties, so we're considering that.

TOKYO 00004856 002 OF 016

Akira Koike (Japanese Communist Party): The government says the MSDF's refueling assistance is limited to (foreign vessels engaged in) maritime interdictions. However, US forces are not only operating in Iraq and Afghanistan but also operating at sea. Their operations are linked. You may tell them to use Japanese fuel for maritime interdictions only. But that's impossible for them.

Defense Minister Ishiba: You probably want to emphasize that Japan is participating in the American war. At present, however, 80 PERCENT (of all fuel provided by Japan to foreign vessels in the Indian Ocean) is not for the United States in the number of times fueled, and 70 PERCENT is not for the United States in the amount of fuel supplied.

Koike: If Japan assisted their operations, that really means assistance to the Afghan air campaign that caused the proliferation of terrorism. Is this allowable to Japan as a country that has Article 9 (of the Constitution)?

Foreign Minister Komura: The new legislation allows Japan's assistance for maritime interdiction operations only. We trust the United States.

Koike: This is a serious problem for Japan. You said you trust the United States. Your word is not enough to settle this problem.

Ishiba: It doesn't mean blind trust in the United States. We check our fuel supplies on the spot. We have concluded an exchange of notes and confirmed for what purpose our fuel would be used. I cannot understand why this is called blind trust.

Fukuda: I wonder why you won't make efforts to understand. No matter how much we may discuss, you won't say yes in the end, will you? You may want to say Japan takes part in the US military's Afghan air campaign. But that's not true. Japan is backing up the international community's antiterror mop-up operations.

(2) Lower House dissolution looming over refueling debate

Prime minister irritated

In a House of Councillors Budget Committee session last evening, Prime Minister Yasuo Fukuda unusually lost his cool at one point.

Asked by Japanese Communist Party lawmaker Akira Koike about the refueling operation in the Indian Ocean, Fukuda said in a strong tone: "No matter how hard we discuss the matter, you won't support it, will you?"

There is every reason for the prime minister to feel irritated. The government and ruling parties presented the opposition camp with the outline of new antiterrorism legislation ahead of submitting it to the Diet and called for talks, even disclosing some US military data. Despite that, major opposition Democratic Party of Japan (Minshuto or DPJ) President Ichiro Ozawa did not show any signs of making any compromises. Fueled by low public support for the refueling mission, the Liberal Democratic Party is becoming increasingly impatient, as is seen in a Diet Affairs Committee member's comment, "The need for the refueling operation is not

TOKYO 00004856 003 OF 016

widely recognized."

The current session of the Diet will adjourn on Nov. 10, which is only a little over three weeks away. During that period, the government and the ruling parties must determine whether to postpone the planned enactment of the envisaged new legislation without extending the current session, or to aim at the enactment of the new legislation by even using a two-thirds majority after substantially extending the current session.

The scenario of using the two-thirds rule for enacting the legislation appeared a real possibility following former Prime Minister Shinzo Abe's announcement to resign if he failed to extend the antiterrorism law. But since Abe was replaced by dialogue-oriented Fukuda, there have been voices that the antiterrorism law is not a subject for the prime minister to stake his job.

The new legislation is closely associated with the timing for dissolving the Lower House for a snap general election that might bring about a change of government.

An LDP executive predicted that the forcible enactment of the new law would result in an early general election. The ruling bloc, which is still suffering from the aftermath of the July House of Councillors election, cannot afford to gamble on the new law.

In his inaugural press conference, Prime Minister Fukuda said that the Lower House must not be dissolved at a time that would adversely affect people's lives, alluding to next spring after the FY2008 budget clears the Diet.

Relatively high support rates for the cabinet of Prime Minister Fukuda in its early days pushed the government and ruling parties toward a hard-line approach to the new legislation, coupled with an observation that the Lower House would be dissolved early. But given the recent declining rates, the prevalent view in the ruling bloc is that there is only about a 10 PERCENT chance for Lower House dissolution before the end of the year and that the government must play it safe.

In the event the government decided to put off the new legislation to next year's regular Diet session, the FY2008 budget would take precedence over the antiterrorism law, thereby forcing Japan to suspend the refueling operation for nearly six months. Concerned about relations with the United States, some in the government and ruling camp are calling for a slight extension of the session to make a final decision on the matter while closely monitoring public trends.

Dissolution of the Lower House next spring would overlap with the collation of unidentified pension records, scheduled to be completed by the end of March. The pension issue that caused the ruling camp

to suffer a crushing defeat in the Upper House election might flare up again. Aware of the New Komeito's desire for ample time to make preparations for the next election, a cabinet minister pointed to Lower House dissolution after the G8 Summit. LDP Election Strategy Council Chairman Makoto Koga, too, spoke of latest possible Diet dissolution on behalf of the ruling parties.

DPJ to limit ISAF participation to civilian assistance

TOKYO 00004856 004 OF 016

In an executive meeting yesterday, DPJ President Ozawa indicated that his party's counterproposal to the government plan would be limited to humanitarian and reconstruction assistance in Afghanistan. He said: "Japan will not join the security operations of the International Security Assistance Force (ISAF). Japan's effort will be limit to assistance to civilians."

At a press conference, he also said: "Conflicts come from poverty. Taking steps for a stable food supply is most important." This comment seemingly reflects his consideration to Defense Minister Shigeru Ishiba's statement that ruled out Japan's participation in the ISAF involving the use of armed force and cautious views within the party.

The DPJ's counterproposal is likely to center on the elimination of landmines, restoring farmland, and farming technology assistance. A plan is also in the pipeline to send an ambassador plenipotentiary-led term of 10-20 civilians to the Afghan government's security sector reform (SSR) program to rebuild the employment and training system by reforming the police structure dominated by military cliques.

Junior members are also calling for sending armed SDF troops for providing protection to the civilian group. The leadership is considering the possibility of dispatching the SDF.

Views split at the executive meeting over whether to present the Diet with the party's counterproposal in the form of a bill. Diet Affairs Committee Chair Kenji Yamaoka said: "We have already presented a livelihood-based bill. The focus of another bill might be blurring." Another member said that a bill would help clarify the party's standpoint. The decision was left to President Ozawa in the end.

The DPJ initially aimed at Lower House dissolution and general election next spring when the ruling and opposition blocs would lock horns over the budget bill. Secretary General Yukio Hatoyama noted in a speech on Oct. 15: "We though the question of continuing the refueling operation might trigger (Lower House dissolution), but the Fukuda cabinet is devoid of the eagerness to settle the matter in the ongoing Diet session. Around next April would be the best timing for dissolution."

The DPJ intended to focus on realizing Upper House campaign pledges, such as a bill banning the diversion of pension premiums in order to play up its ability to assume political reins. But aware of the danger of losing public support as a result of adamantly opposing the refueling mission, the party is now set to come up with its counterproposal against the government and ruling bloc.

(3) Former Burmese diplomat who resigned over crackdown: Military regime aims to bring about terror and division into embassy; Japan thinks too much in making response

ASAHI (Page 2) (Full)  
Evening, October 15, 2007

Shigeo Tosa, London

A diplomat (37) at the Burmese Embassy in London resigned from the military regime on Oct. 9 in protest over its violent suppression of pro-democracy protests. In an interview with the Asahi Shimbun, he

TOKYO 00004856 005 OF 016

said: "I wanted to show that in the regime, there are also persons who believe the military government is wrong." The former diplomat for the first time explained to a foreign news company how confused the situation was in the embassy. He stressed: "The second act of the revolution is about to unfold now. I want my colleagues to make the same decision."

The former diplomat is Ye Min Tun. He has hidden himself for security reasons, so he responded to questions by e-mail and mobile phone.

After studying international relations at Yangon University and a university in the US, Tun joined the Burmese Foreign Ministry in 1998. In 2004, he began to work at the embassy in London as a second secretary. He reportedly was eager to negotiate with anti-government

SIPDIS groups, as he said: "I believed there must be a role in the regime to deepen the dialogue with the people and obtain their understanding, even though the military regime has committed human-rights abuses."

But seeing defenseless monks and citizens attacked by the military, Tun was driven to despair. He said: "In my homeland, Buddhism has gained an influence that is the most remarkable in the world. Its reputation has been tarnished now. I felt it would be difficult to continue my duty as a professional diplomat, representing the military junta." He added that he had come to the decision on his own, without consulting anybody.

In reaction to the crackdown, Burmese in London and others staged a protest demonstration in front of the Burmese Embassy in London. Although the staff of the embassy pretended to be calm, Tun said: "The embassy was in a state of disruption."

Embassy members linked to the military regime were calling the monks "sham priests," but the diplomats were looking at the demonstrations favorably. Tun said: "I also have a love of our nation, like the demonstrators. I was calling for freedom from within the government."

But embassy staffers remained silent. Tun said: "As the saying goes, 'walls have ears.' The staff of the embassy cannot trust each other. The military regime is aiming to bring about fear, and it divided the embassy community."

According to Tun, the military government distributed to each Burmese embassy in the world a note reading that since Tun had been greatly affected by the foreign media, he decided to resign. The note also warned that those who followed him would be deprived of their citizenship and would become unable to return home. Despite such a situation, he received e-mails of encouragement from several of his colleagues after quitting his job.

To remedy the current situation, Tun believes it is necessary to shake up the military regime from within. He said: "We should apply pressure on the regime to sit down at the negotiating table with anti-government groups. This must be the sole way to lead our nation onto the right path."

The former diplomat also seeks the Japanese government's cooperation. He is critical of the response it has made so far, remarking: "Japan thinks too much of strategy in terms of national interest. Since Japan has a major impact, the government might be

TOKYO 00004856 006 OF 016

hesitant to take a quick action." He added: "I want Japan to work on the military regime to promote dialogue."

(4) Does Prime Minister Fukuda have a secret strategy for North Korea policy? Fukuda's line may be extremely risky

SANKEI (Page 1&3) (Slightly excerpts)  
October 14, 2007

Japan's independent economic sanctions on North Korea, invoked last October in response to the North's nuclear test, was extended on Oct. 13 for six months. Oct. 15 will mark the fifth anniversary for the repatriation of five Japanese abductees from North Korea. With no signs yet of a solution to the abduction issue, Prime Minister Yasuo Fukuda has indicated that he will assume a stance of placing emphasis on "dialogue" rather than "pressure," which former Prime Minister Shinzo Abe applied. With inter-Korea harmony and US-North Korea rapprochement, circumstances surrounding Japan-North Korea talks have become severe. If Fukuda makes easy concessions, he will definitely come under public criticism. He said: "I will resolve the abduction issue on my own." Does he have any secret strategy for resolving the issue?

#### Continued sanctions and resumption of assistance

In an interview by Kyodo News, Ambassador of North Korea to Normalization Talks with Japan Song Il Ho praised Prime Minister Fukuda, saying, "His stance of placing importance on dialogue rather than pressure is noteworthy."

When asked by reporters about Ho's comment, Fukuda responded on the night of Oct. 1: "Dialogue and pressure. Since the two sides will be meeting, I would like to hold dialogue that can satisfy both sides."

Fukuda explained the reason for the extension of sanction measures to ban all North Korean ships to enter Japanese ports, saying, "There is no change in the situation (over the abduction issue)."

Although the Abe government decided not to offer any assistance to the North, the Fukuda government is now looking into the possibility of resuming humanitarian assistance, which has been suspended since December 2004, as a condition for the North's reinvestigation on Japanese nationals abducted by North Korean agents.

The Fukuda government appears to be trying to get North Korea go to the negotiation table by hinting at continued economic sanctions and at a resumption of humanitarian aid. Some in the government consider lifting part of the economic sanctions, which were extended on the 13th, if Pyongyang implements the six-party agreement by the end of December.

#### At beginning of New Year or after

Fukuda appears to have determined that he has no choice but to change Abe's policy of attaching top priority to resolving the abduction issue by applying pressure on the North.

Analyzing that Japan-North Korea relations are at a cul de sac, Fukuda has stressed that various approaches are necessary for (negotiations with Pyongyang). In a session on the 12th of the Lower House Committee on Audit and Oversight of Administration, he stated:

TOKYO 00004856 007 OF 016

"It is important to resolve the abduction, nuclear and missile issues all together." He did not meet the families of the missing abductees, who called at the Prime Minister's Official Residence on the 5th. This highlighted differences between Fukuda and Abe, who met with them just four days after he assumed the prime minister's post.

A mid-level LDP lawmaker, who has been involved in North Korea diplomacy, said:

"If the situation is consolidated by making improvement in bilateral negotiations, the prime minister could visit Pyongyang to hold talks with North Korean leader Kim Jong Il next year or later."

Fukuda has not denied the possibility of a trip to Pyongyang, saying, "(A visit to North Korea) will not occur for now, but such might occur depending on progress in the negotiations."

Under such a situation, Fukuda and his aides have paid attention to public opinion. A government high official with close ties with Fukuda, said: "The prime minister is unhappy with being labeled as

lenient toward North Korea." The Fukuda government needs to produce concrete results such as improvement in the abduction issue, in addition to explanations that can convince the public so that it will not be criticized.

Change in North Korea's response?

Since the Abe cabinet invoked economic sanctions last October, North Korea has repeatedly criticized Abe for taking "overreaching words and actions." The North had tried to force Japan to withdraw from the six-party talks.

However, after the inauguration of the Fukuda cabinet, Pyongyang has stopped blatantly criticizing the Japanese government. Kim Jong Il reportedly said in the inter-Korea summit in early October: "I will wait and see what is Japan's attitude."

Therefore, the view is prevailing that Pyongyang has strengthened a stance of responding to negotiations because of the inauguration of the Fukuda cabinet, which places importance on dialogue.

Few card of dialogue

There are no prospects in sight to resolve the abduction issue because North Korean leader Kim reportedly said: "There are no Japanese abductees in North Korea." This means that there is no change in Pyongyang's position that the abduction issue has already been resolved.

Japan has a limited number of cards to urge North Korea to hold serious dialogue, however. The issue of settling past accounts for Japan's colonial rule of the Korean Peninsula is regarded as a trump card. Foreign Minister Masahiko Komura stated: "North Korea desperately wants" Japan's economic cooperation under the pretext of a "settlement of past accounts" worth as much as 1 trillion yen.

In case economic cooperation projects agreed in the inter-Korea summit are implemented as planned, there is an estimate that South Korea's investment would total approximately 1.3 trillion yen. Some have contended that the significance of the settlement of past accounts may decrease.

TOKYO 00004856 008 OF 016

The observation has grown that the United States will delist North Korea as state sponsor of terrorism before the end of this year. This is a source of concern for Japan. Since the abduction issue is included in the reasons for the US listing the North as sponsor of terrorism, Tokyo has called on Washington not to delist before the abduction issue is resolved. Should the US delist, North Korea will not see it necessary to deal with the abduction issue in a positive manner.

A Japanese diplomat familiar with North Korean affairs said:

"The aim of North Korea, which has been trying to reconcile with the United States, is to put an end to the abduction issue for good and to make Japan a cash dispenser. Japan needs flexible bargaining capability similar to North's brinkmanship diplomacy. Tokyo must be adamant about its principle of resolving the abduction issue. Therefore, the Fukuda policy line is extremely dangerous."

(5) Global warming preventive measures: Each sector has its own way

ASAHI (Page 9) (Full)  
October 17, 2007/10/17

Industry sector raises CO2 reduction goal by 2.6 million tons a year

It has been learnt that four industries, such as the home electronics and auto industries, will raise their goals set under their respective voluntary action programs in order to achieve the target of reducing greenhouse gas emissions, such as carbon dioxide (CO2), stipulated under the Kyoto Protocol. They will add approximately 2.6 million tons a year (in CO2 terms. estimate by the

Ministry of Economy, Trade and Industry (METI)). Their proposal will be reported at a joint council meeting of the Environment Ministry and METI.

The home electronics sector will raise its target of reducing CO2 emitted from a certain amount of economic activities from 28 PERCENT , compared with the 1990 level, to 35 PERCENT . This would be equivalent to an additional cut of approximately 2.3 million tons. The auto industry will increase its reduction amount from the current target of 10 PERCENT to 12.5 PERCENT or additional 200,000 tons or so.

Business circles split: Keizai Doyukai calls for mandatory goal

Japan Association of Corporate Executives (Keizai Doyukai) Representative Director Masamitsu Sakurai yesterday noted that a post-Kyoto Protocol framework to be adopted in 2010 should stipulate mandatory greenhouse gas emissions targets. He thus made the organization's difference from Nippon Keidanren clear. Sakurai also expressed his support for the introduction of an environment tax and an emissions trading system, indicating that business circles are not monolithic on the post-Kyoto framework.

Keizai Doyukai will come up with proposals for a post-Kyoto protocol at the end of the year. Sakurai revealed that the organization is now discussing the issue with focus on the following three points: (1) An absolute amount is important for a reduction of global warming gases; (2) participation by the US, China and India is essential: and (3) setting a mandatory reduction goal.

TOKYO 00004856 009 OF 016

Battle in government circles; "Introducing an environment tax will leave problems," says METI minister

Commenting on an environment tax, which the Environment Minister has proposed as one measure to combat climate change, METI Minister Amari indicated a negative stance. He said, "Introducing such a tax will leave problems in terms of Japan's international competitiveness."

Amari pointed out drawbacks, "Competition between a country with an environment tax and a country without one would not be fair." He also said, "An environment tax tends to become an industrial duty. However, the industrial sector has produced more results than other sectors in terms of a cut in global warming gases." Vice METI Minister Takao Kitabata also noted that the environment tax would produce no results and would have no meaning, which was rebutted by Environment Minister Kamoshita. Coordination of views in the government is bound to encounter difficulty.

(6) FTC's outlined amendments to Antimonopoly Law calls for broadened scope of acts subject to fines

MAINICHI (Page 2) (Full)  
October 17, 2007

The Fair Trade Commission (FTC) released a report outlining its basic plans to amend the Antimonopoly Law. The report proposes expanding the scope of acts that could be defined as violating the Antimonopoly Law and be subject to administrative surcharges. The newly added acts include false or ambiguous labeling of products; major companies abusing their dominant positions against suppliers or subcontractors; and companies slashing prices of their products in an attempt to shut out competitors from the market. By introducing stricter regulations, the FTC aims to protect consumers, small to mid-sized companies, and subcontracting firms.

Under the current law, the FTC can impose fines only on such practices as bid-rigging or dango and cartel. For other illegal acts such as false labeling, the FTC is just allowed to issue a warning or an action-correction order. The report also refers to extending the duration of force of reprimands from the current three years to five years, the same as in the United States.

The report calls for heavier fines on companies mainly responsible



for bid-rigging arrangements or other illegal practices and also for improving the leniency system under which immunity from criminal prosecution or a reduction in surcharge payments is applied to companies that voluntarily report illegal activities to authorities.

Under the current law, the FTC is authorized to make judgments on complaints handed down by the FTC itself. The business world is calling for a review of this system, one insisting that judgments should be made in accordance with legal procedures. But the FTC report specifies that "the system will be maintained for the time being."

The FTC intends to submit a bill amending the Antimonopoly Law to the Diet next March, but some Liberal Democratic Party members and business circles are fiercely opposed to the proposal, citing that the report, though calling for tightened regulations, leaves the

TOKYO 00004856 010 OF 016

judgment system unchanged. Given this, it might be coordinate views in drawing up a bill.

(7) Seiron Column: Antiterror law; MSDF refueling operations constitutional international contribution; DPJ head Ozawa's argument for abandoning sovereign power is weird

SANKEI (Page 19) (Slightly abridged)  
October 17, 2007

Tomomi Inada, Lower House member and attorney

If MSDF refueling operations are unconstitutional,

The cabinet will adopt at its meeting new legislation that will replace the Anti-terrorism Special Measures Law, which expires on Nov. 1. The objective of new legislation will be limited to allowing the Maritime Self-Defense Force to refuel vessels of countries engaging in the Maritime Interdiction Operations (MIO) with the aim of monitoring movements of terrorists. The term of the new law is one year.

As is well known, Ichiro Ozawa, president of the Democratic Party of Japan (DPJ or Minshuto), is opposing the new legislation as well. He said he would not respond to the ruling camp's call for talks. The problem is the reason he has given.

Ozawa claims that MSDF refueling operations in the Indian Ocean is unconstitutional. If that is the case, it would mean that Japan has continued an unconstitutional practice of supplying fuel for the Operation Enduring Freedom (OEF)-MIO, signing an exchange of notes with 11 countries, including the US, Britain, Germany, France and Pakistan, since December 2001, for six years. Furthermore, the Anti-terrorism Special Measures Law itself, which serves as the basis for the MSDF operations, is an unconstitutional law.

If that is so, the necessity for prior Diet approval as called for by the DPJ would become an unnecessary argument. Further, provided that the DPJ argument that MSDF refueling operations in the Indian Ocean are unconstitutional is legitimate, the new legislation as well as the Anti-terrorism Law would become unconstitutional. That is why the DPJ continues to oppose it. This is a stance that is easy to understand.

However, the matter is not so simple. That is because Mr. Ozawa also insists that the major problem is that there is no resolution endorsing the SDF's assistance activities adopted by the United Nations Security Council.

If one tries to explain these points made by Mr. Ozawa in a consistent way, one would have to say that even if the overseas dispatch of SDF personnel involves the use of armed force, it would not be unconstitutional if only there were a UNSC resolution, and that the use of armed force, an unconstitutional practice, would be permissible if only there were a UNSC resolution.

Ozawa's interpretation of Article 9 peculiar and weird

As a matter of fact, Mr. Ozawa openly said that if the DPJ takes the reins of government, it would bring about Japan's participation in the International Security Assistance Force (ISAF) within Afghanistan. That is because there is a UNSC resolution 1386, which

TOKYO 00004856 011 OF 016

authorizes ISAF operations in Afghanistan in concrete terms.

For the time being, he takes the position of limiting participation to assistance for basic human needs. However, according to the logic of his argument, it would become possible to use armed force in assistance activities by the Ground Self-Defense Force (GSDF). It would also become possible to actively dispatch SDF troops abroad for assistance activities involving the use of armed force. He would say that there would be no constitutional problem involved in those operations, because there are UNSC resolutions.

Since he wrote "Blueprint for a New Japan," he has claimed that it is not against Article 9 of the Constitution or rather in line with the spirit of the Constitution for Japan to take part in overseas activities involving the use of armed force, by establishing a UN standby force for cooperation for US peace-keeping operations. He appears to see the UN as ranking above the state and surpassing a country's sovereign power.

However, it is unreasonable to interpret Article 9 as allowing the use of armed force, if it is in order to cooperate for UN peace-keeping operations. The current Constitution only authorizes the use of armed force in the use of force in self-defense (it is arguable whether it includes the exercise of the right to collective self-defense).

Whether the details of the UN resolution were sufficient to authorize overseas assistance activities by the SDF or not is not a constitutional issue but a matter of political judgment. A special view of the UN that the use of armed force becomes constitutional if there is a UN resolution, as Ozawa's, the specifics of a UN resolution would become an issue directly linked to the interpretation of the Constitution.

National interest of securing marine traffic

It makes no sense to nervously rebut Ozawa's argument as a legal issue, when the DPJ-led by Ozawa, which recognizes the UN ranking above Japan's sovereignty, argues that there are no grounds provided by a UN resolution. As long as the arguments are pursued, based on the premise that Japan is a sovereign nation, the issue should be whether it is politically right or wrong in light of the international situation and Japan's interest to decide to dispatch SDF troops for operations that do not involve the use of armed force. It would suffice to consider that the contents of UN resolutions are one of the considerations to be taken into account when making a decision.

It is a politically correct option for the MSDF to continue refueling operations in the Indian Ocean in the sense that Japan fulfills international responsibility by contributing to the fight against terrorism as a member of the international community and in the sense that such a practice is in line with Japan's interest of securing marine traffic in the Indian Ocean.

(8) Open letter to Mr. Kiwataka Kawabata on how to view the SDF's refueling operations at sea: Now is the time to establish principles for international security

By Ichiro Ozawa, President, Democratic Party of Japan (DPJ)

Sekai

TOKYO 00004856 012 OF 016

November 2007  
(Full translation)

To: Mr. Kiwataka Kawabata,  
Political officer, Department of Political Affairs, United Nations

Dear Mr. Kawabata:

The other day, I read your article in the monthly journal Sekai (World) titled, "The Anti-Terrorism Special Measures Law and United Nations Resolutions." I here lay out my own opinions regarding your probe into the "distortions" that exist in Japan's foreign policy and about what you wrote about my own assertions.

First, if I may start with my conclusion about the "distortion" you pointed out that exists between Japan's principle of centering foreign policy on the United Nations and the Japan-US alliance, I think that the distortion can be removed depending on how Japan handles matters. You, like many Japanese, have been led to the conclusion that the Japan-US alliance must be maintained at all costs, if it comes to a debate over which to choose in the final analysis as a practical matter. But in my view, there is no contradiction between a UN-centered principle and the Japan-US alliance. Instead, I argue that by balancing both, the security of Japan can be guaranteed.

In actuality, it has already become impossible for the United States alone to maintain world peace or in other words to play the role of the international community's policeman. The situations in Afghanistan and in Iraq today testify to that result. The Bush administration in the United States started the Afghan war by using these caustic words: "This is America's war, a self-defense war. Consequently, we don't need a United Nations resolution." But in reality, although it was only natural, practicality stepped in, for the US, not being able to handle it on its own, had to seek the help of the international community.

As a result, in logical and practical terms, there is not other way to protect international peace than for everybody to join hands, based on the principles of the United Nations Charter, and for Japan, based also on the principles of the Constitution. I would like here to explain clearly my views toward the problems in the international community today. The issue is same whether it be the repelling of an invasion, as in the past Gulf war, or the ongoing war against terrorism today. However, the United States is always overconfident of its own unilateralism, and it does not notice that its actions are disrupting the international community, starting with the United Nations. If Japan is to really be an ally of the US (and it is the same for other allies), it should hold its head up high and strive to give proper advice to the US. In order to do that, it is indispensable for Japan to be willing to make efforts to take initiatives on its own in the protection of peace in the world by resolving to share the responsibility for peacekeeping.

From long ago, I have continued to say this to the Japanese people every chance I have had. Especially, during the Gulf war, I strongly made that assertion. But at the time, I, as secretary general of the Liberal Democratic Party, was a minority of one. Even now in Japan among the public, I think there is still insufficiency, if we only speak about having a consciousness or awareness of the times.

At any rate, putting it crudely, the problem (of inconsistency)

TOKYO 00004856 013 OF 016

between the principle of being UN-centered and that of relying on the Japan-US alliance can be eliminated, depending on the resolve of the Japanese people themselves to carry out peacekeeping in the international community. Moreover, I am convinced that balancing the two would build a Japan-US alliance relationship in the way that it originally should have been made.

Next, I would like to present my view of our country's national security principles. In Japan, throughout the postwar period, there have been various views about the interpretation of the Constitution, especially Article 9. That has been the greatest problem in setting our national security policy. The problem still remains. Consequently, I will first explain the central point of my interpretation of the Japanese Constitution. I will explain my views along the line of the problem areas that you presented in your

critique of me.

The war on terrorism is the first issue that I will bring up. Regarding that, I have never said such things as that Japan should not join the war on terror. Japan in the past has submitted to terrorists a number of times, even paying ransom and freeing criminals, including those on death row. You undoubtedly remember the incident of the Japan Red Army's hijacking of a JAL airliner. There is no other country that would have submitted to those terrorists in that way. That is why we Japanese must have the resolve and attitude to fight terrorism. However, that should not be by dispatching without principle our country's military overseas. Needless to say, Article 9 of the Constitution prohibits Japan from exercising the right of the use of armed force.

The Constitution forbids Japan from exercising the right of self-defense as a means of settling international disputes, in order words, the use of armed force. Consequently, we interpret the Constitution as limiting (the right of the use of armed force) to only the case of our country coming under direct attack or if there is fear of Japan being attacked.

However, on the other hand, the Constitution highly extols the principle of peace, stating that Japan by aspiring for world peace would be able to occupy an honorable place in world society. In order to do so, we must actively joint peacekeeping centered on the United Nations. I believe that such a goal is in harmony with the principle contained in our Constitution.

Here, let me enter into discussion a while about the Constitution. The Liberal Democratic Party-led government (Cabinet Legislation Bureau) even now interprets that UN operations are equivalent to the use by Japan of the right of collective self-defense, and consequently, for Japan to join any activity (including peacekeeping operations (PKO) and multinational forces recognized by the United Nations) which involves the use of armed force, based on Chapter 4, Article 2 of the UN Charter, is a violation of Article 9 of the Constitution.

If that is so, then how can the SDF support forces of the US, which is leading Operation Enduring Freedom (OEF) in Afghanistan? Japan should not be able to support anything to do with the use of the right of collective self-defense, as long as this limitless prohibition exists. In reality, even though other countries like Canada and Australia have joined the OEF, almost all participants other than Japan cooperate with the US by using their right to collective self-defense.

TOKYO 00004856 014 OF 016

But the Japanese government even now asserts that under the Constitution, the use of the right of collective self-defense is prohibited. You, too, should recall that at the time of the Gulf war, when I was secretary general of the Liberal Democratic Party (LDP), I made a strong pitch, arguing that since was no need then to send combat troops, at least Japan could provide services at field hospitals or transport goods in supply ships. The Cabinet Legislation Bureau, however, as well as every responsible ministry, was against my view. The interpretation of the Constitution at the time was that such contributions would be the same as the use of armed force, even it were logistical support for UN operations. That is why there was the argument that joining the Gulf war effort would come up against Article 9 of the Constitution.

Logistical support - or in other words, the supply line - is the largest factor in deciding the outcome of a war. In that sense, it is correct to take the view that logistical support and the use of armed force are one and the same when it comes to war. However, if that is so, what kind of sophistry is now coming from the tongues at the Cabinet Legislation Bureau regarding the SDF's supplying logistical support for OEF -- or in other words, providing such support for the US and other armed forces engaged in an operation that does not come under UN activities?

Whether you speak of logistical support for Afghanistan or in Iraq, it is all the same. The LDP says that such logistical support is not

the use of armed force and not the carrying out of warfare, so there is no problem. Really, even a child would not accept such sophistry. Yet, in reality, the government is dispatching troops overseas with such logic. Is there any other country in the world that is so irresponsible?

Speaking from my point of view about Japan's Constitution, I interpret it as not allowing Japan to cooperate by dispatching troops overseas for the sake of another country's use of the right of self-defense, whether it is America or another country. At the same time, actively participating in UN operations, even if such involves the use of armed force as a result, I think, does not come up against the Constitution in any way, but is rather in agreement with the principles found in our Constitution.

I will explain in easy to understand terms. The right of self-defense can also be called legal self-defense. The words are used interchangeably in English. For example, is a policeman allowed to carry a weapon, use force, and use the weapon in times of need, based on his own individual right to self-defense?

That is not so. A policeman must function in the end as an officer of the law, carrying out a role in society, not as an individual using the right of legal defense. If I may give another example, if before your eyes, a person has been murdered, you as an ordinary citizen cannot kill that criminal. That would be the same as lynching him, and completely unacceptable under the law.

If we apply that principle to the international community, it will be easily understood. As long as there is no agreement obtained from the international community, the willful use of armed force is the same as a lynching. If we recognize that, we can maintain order and peace in the world society. In other words, the right to self-defense that individual states can use is completely different essentially from the operation of the United Nations for the sake of

TOKYO 00004856 015 OF 016

the peace and security of the entire international community. The two concepts are in different dimensions. The peacekeeping operations of the UN transcend the self-defense right that is sovereign to each state. Even if such UN activities involve the use of armed force, my interpretation is that such would come up the Constitution.

In that connection, regarding that issue, there is a constitutional scholar who has explained it clearly. He is Kisaburo Yokota, a professor at Tokyo University who later became the head of the Supreme Court. If you read his work, I think you will understand more clearly what I am saying here.

You also wrote that I had suggested the possibility of Japan participating in ISAF (International Security Assistance Force) in Afghanistan. My view, however, was not as vague as that. I have been saying that Japan's participation in UN peacekeeping operations authorized by a UN resolution, whether it be ISAF or something else, does not come up against the Constitution at all. Of course, in concrete terms, in what area and in what form and who should participate all depend on the judgment of the government in power at the time. However, the Japanese government until now has rejected participation in all kinds of UN operations, citing as the reason the Japanese Constitution. I repeat here my view that such a stance should be changed.

In addition, you wrote regarding the interpretation of the right of collective self-defense and the use of weapons overseas that the legal preparations had not been made. But I have trouble understanding that sort of argument as a problematic point. I think the use of weapons should go along with international conventional wisdom, and I do not think there is any problem with Japan's legal system. You also wrote that the views of the DPJ have yet to be unified, but I would like to strongly object to your defaming the name of my party. If you were overseas, you probably would not know about the conclusion of debates in the DPJ, but at the end of over two months of party debate starting late last year, what I explained above was decided (third chapter of the party's basic policy line). I would like you to correctly recognize that fact.

Regarding my second point, I will not say any more, for I think you understand it by now, but the war on terror is not just cooperating with the US in its military operations. In actuality, it starts with border entry and exit controls, as well as financial controls. In many areas, the war can be waged by taking a resolute stand against terrorism. Of course, regarding Afghanistan today, I think that I would like to bring about Japan's participation in ISAF if I were in the seat of power and setting foreign and security policies. In addition, recently, the UN secretary general said he would like to send an unprecedentedly large PKO unit to Sudan (Darfur), so since this is completely a UN operation, naturally, I think we should join it.

Further, in the preamble to the UN resolution that extends the ISAF mission that was adopted on Sept. 19, there is included an "appreciation" for the contributions of each country toward OEF, which was the result of the government's lobbying. Although the government and ruling parties proclaimed that the operation of the SDF had received the seal of approval of the United Nations, such a tactic was just too dishonest. The operation of the MSDF to the end is nothing but support for the US' launching of its right to self-defense, and it is not an activity that falls under the UN

TOKYO 00004856 016 OF 016

framework. The new resolution cannot become at all the basis for dispatching the SDF. I am saying that we should separate ourselves from the framework of the US' military operations, and that we should join instead what is clearly a United Nations activity, such as ISAF.

The third point is that if we actively join a UN activity based on the agreement of the international community, it would be a mistake for such to have two meanings, namely, to say that there is no problem with the SDF's cooperation based on the Iraq Special Measures Law, since the multinational occupying forces have the approval of a UN resolution on the face of it. First of all, UN Resolution 1483 (adopted May 2003) that forms the basis for the Iraq Special Measures Law only requires a US and British-led force to maintain law and order. It does not authorize the creation of a multinational force. Next, as I explained above, my assertion is that participation in activities based on a UN resolution does not come up against the Constitution, but even if it is in agreement with the Constitution, that does not mean we can do anything. Even if there is a UN resolution, there has to be a political decision as whether Japan should or should not join, or else, in which area we should participate. The government of the time must make such a comprehensive political decision. That is the basic function of politics.

The Iraq war was carried out by the US and British forces launching strikes. In the UN, France, supposed to be an ally, was opposed. Russia also was opposed, and so was China. In spite of that, the US and Britain on their own accord launched the Iraq war. Moreover, it was revealed later that there was no truth to Iraq possessing weapons of mass destruction, claimed as the reason for the war. Both the US and Britain had no choice but to admit that their justification for the Iraq had been lost.

In addition, as a result of the failure of the occupation policy, the Iraqi society was thrown into turmoil. That is why the US apparently felt it had no choice but to seek the cooperation of the international community, even though it had willfully begun that war on its own. The series of UN resolutions related to Iraq reconstruction were adopted under such circumstances. If there is later a proper resolution that is adopted, we can make a political judgment as to whether to approve an SDF dispatch to that country. Even in the US, many Americans are opposed to the Iraq war, as you know full well.

If I may repeat myself, Japan until now has consistently taken negative positions about the use of force, citing the Constitution. I think that was a big mistake. But at the same time, there is no need to change our thinking about Article 9 of the Constitution. I think we should carry it out faithfully. Consequently, my conclusion is that we must actively contribute internationally in various areas

in accordance with our constitutional principles and with a UN resolution.

SCHIEFFER